

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

JOE LEE FULGHAM,

Plaintiff,

v.

ACTION NO. 2:20cv637

UNKNOWN,

Defendant.

**DISMISSAL ORDER**

Plaintiff, a civilly committed individual, filed this *pro se* action. Am. Compl., ECF No. 11; Amendments, ECF Nos. 8, 10, 12.

By Order entered on January 10, 2022, the Court reviewed Plaintiff's Amended Complaint pursuant to 28 U.S.C. §§ 1915(e)(2). Order at 1–2, ECF No. 13. The Court indicated that, “upon review of Plaintiff's Amended Complaint and Amendments, it appears to the Court that Plaintiff has not stated a cognizable claim for relief.” *Id.* at 1. The Court noted that, “Plaintiff fail[ed] to identify any Defendant(s), and he fail[ed] to identify any cause(s) of action under which he wishe[d] to proceed. *Id.* at 2.

In deference to Plaintiff's *pro se* status, the Court provided Plaintiff with an opportunity to clarify his claims by filing a Second Amended Complaint. *See id.* Specifically, the Court ordered Plaintiff to file a Second Amended Complaint that complied with the instructions set forth in the January 10, 2022 Order within twenty-one days. *Id.* The Court advised Plaintiff that if he failed to comply with the terms of

the January 10, 2022 Order, the Court would dismiss this action without prejudice. *Id.* at 3 (citing Fed. R. Civ. P. 41(b)).

More than twenty-one days have passed since the entry of the Court's January 10, 2022 Order, and Plaintiff has failed to submit his Second Amended Complaint. Plaintiff's actions, or lack thereof, constitute a failure to prosecute this action and a failure to comply with the terms of an Order of this Court. *See* Fed. R. Civ. P. 41(b). Accordingly, this action is **DISMISSED without prejudice**. Plaintiff is CAUTIONED that the statute of limitations continues to run.

Plaintiff may appeal from this Dismissal Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. The written notice must be received by the Clerk within thirty days of the date of entry of this Dismissal Order. If Plaintiff wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* shall be submitted to the Clerk of the United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **DIRECTED** to please send a copy of this Dismissal Order to Plaintiff Joe Lee Fulgham.<sup>1</sup>

**IT IS SO ORDERED.**

Norfolk, Virginia  
February 18, 2022

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/s/  
Arenda L. Wright Allen  
United States District Judge

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<sup>1</sup> The Clerk is **FURTHER DIRECTED** to docket this Dismissal Order in the Court's Case Management and Electronic Case Filing System pursuant to the Court's formal electronic service agreement with the Attorney General's Office for the Commonwealth of Virginia.